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4 UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
6 OAKLAND DIVISION
7

8 KENNETH PHELON,
9 Plaintiff,

10 vs.

11 JEREMY HAMMAN, et al.,
12 Defendants.
13

Case No: C 09-3393 SBA

ORDER


14
15 Presently before the Court is Plaintiff's Motion for Extension of Time to file his first
16 amended complaint. By Order dated September 3, 2010, this Court ordered Plaintiff to file his
17 first amended complaint (or his opposition to Defendants' Motion to Dismiss) by September
18 13, 2010. This Court notes that Plaintiff was initially ordered to file his first amended
19 complaint by January 25, 2010. (Docket No. 31.) By his current motion, Plaintiff seeks an
20 extension to September 23, 2010, on the ground that he requires additional time to prepare his
21 first amended complaint. Accordingly,

22 IT IS HEREBY ORDERED THAT:

23 Plaintiff's Motion for Extension of Time is GRANTED. By no later than September
24 23, 2010, Plaintiff shall file either his first amended complaint or his opposition to Defendants'
25 Motion to Dismiss. Plaintiff is expressly advised that, absent exceptional and extraordinary
26 circumstances, no further extensions will be granted. Plaintiff is further advised that, should he
27 fail to file his first amended complaint or opposition by September 23, 2010, the Court will
28 dismiss this action without further notice pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: September 13, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 KEN PHELON,

5 Plaintiff,

6 v.

7 JEREMY D. HAMMAN et al,

8 Defendant.
9 _____/

Case Number: CV09-03393 SBA

10 **CERTIFICATE OF SERVICE**

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
13 Court, Northern District of California.

14 That on September 14, 2010, I SERVED a true and correct copy(ies) of the attached, by placing
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
17 receptacle located in the Clerk's office.

18 Kenneth D. Phelon
19 2932 - 55th Avenue
20 Oakland, CA 94605

21 Dated: September 14, 2010

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk
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